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October 11, 2023

## MEMO ENDORSED

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The Honorable Edgardo Ramos  
United States District Judge  
United States Court  
Southern District of New York  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

The request is granted. Plaintiffs' response shall be filed by December 6, 2023, and Defendant's reply shall be filed by December 20, 2023. SO ORDERED.

A handwritten signature in blue ink, appearing to read "Edgardo Ramos".

Edgardo Ramos, U.S.D.J.

Dated: October 11, 2023

New York, New York

Re: *UFCW Local 174 Retail Pension Fund et al v. Food City Markets, Inc. et al*,  
Civil Action No. 1:22-cv-03067-ER (SDNY)

Dear Judge Ramos:

We represent Plaintiffs, UFCW Local 174 Retail Pension Fund (the “Pension Fund”) in the above-referenced action.

We write, with the consent of defense counsel, to respectfully request that the Pension Fund’s response to the Defendant’s Motion to Vacate Entry of Judgment be extended to December 6, 2023, with the Defendant’s reply papers due on December 20, 2023.

We make this request because the parties have reached a tentative settlement on all matters relevant to this case, subject to PBGC approval and agreement on written settlement language. The additional time requested is necessary to finalize the settlement, which if accomplished, will render the pending motion moot.

We thank the Court for its consideration of this matter.

Sincerely,

*Michael S. Adler*

Michael S. Adler

cc: Counsel of Record